

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

Application Number: 10/522,320
372(c) Date: October 17, 2005
Applicants: John L. Schenk and Allison C. Lindsey
Title: Sperm Cell Process System
Assignee: XY, Inc.
Attorney Docket: XY-Optimum-USNP
Customer No. 33549

LETTER OF TRANSMITTAL

Filed via EFS this same date for filing are the following documents:

1. A Third Preliminary Amendment;
2. this Letter of Transmittal;
3. an Electronic Patent Application Fee Transmittal showing a payment of \$1,700.00 – this fee is being paid at the time of application filing via Credit Card.

Assignee has added new claims 122-147. Claims 122-147 have been copied and are substantially similar to claims from U.S. Patent Application Publication No. US 2005/0282245 to Ludwig et al., published on December 22, 2005, Application No. 11/092,509 and from the Response to Restriction Requirement filed on June 12, 2006 in U.S. Application No. 11/092,509, in order to begin the examination analysis. The Assignee may submit details relative to suggesting an interference at a later date if or when deemed appropriate. Assignee respectfully requests that the Examiner of U.S. Application No. 11/092,509 be notified of such copying of claims. Similar copying of claims are also made in Assignee's application numbers: 11/608,079, and 11/508,133 and in new continuation application entitled "Use of a Composition which Regulates Oxidation/Reduction Reactions Intracellularly and/or Extracellularly in a Staining or Sorting Process" based from Application No. 11/536,492.

Please address all future correspondence to the address associated with Customer Number 33549 (Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, CO 80521.)

Dated this 19th day of December, 2006.

Respectfully Submitted,
SANTANGELO LAW OFFICES, P.C.

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